

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. MD-13-1026A

3 **GERALD L. SCHNEIDER, M.D.**

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
THE SAME**

4 Holder of License No. 14974
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

7 Gerald L. Schneider, M.D. ("Respondent") elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 14974 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-13-1026A after receiving a Disciplinary
17 Alert Report indicating that Respondent was disciplined by the California Medical Board
18 ("CMB").

19 4. The CMB investigated Respondent's care and treatment of a patient ("LB").
20 In January, 2002, Respondent met LB for a consultation regarding cosmetic surgery. The
21 CMB found that LB and Respondent began a physically intimate relationship in August,
22 2010. At that time, Respondent did not attempt to transfer LB's care to another physician.
23 As a result of the investigation, the CMB found that Respondent engaged in
24 unprofessional conduct by failing to maintain adequate medical records and by failing to
25 maintain appropriate professional boundaries with a female patient. Specifically, the CMB

1 found that Dr. Schneider entered into a romantic relationship with a patient
2 peri/postoperatively.

3 5. Based on the aforementioned conduct, on September 26, 2013, Respondent
4 was issued a Probationary Order ("Order") by the CMB. (A true and correct copy of the
5 Order is attached as Exhibit 1.) Pursuant to the Order, Respondent's license was placed
6 on probation for seven years and, among other things, requires Respondent to have a
7 chaperone present for all female patient examinations; prohibits Respondent from
8 supervising physician assistants; and requires Respondent to obtain Continuing Medical
9 Education in medical recordkeeping, ethics and boundaries. In addition, Respondent's
10 California medical license was suspended for a period of ninety days, effective October 12,
11 2013.
12

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of
18 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
19 physical inability to engage safely in the practice of medicine, the doctor's medical
20 incompetence or for unprofessional conduct as defined by that jurisdiction and that
21 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
22 paragraph. The action taken may include refusing, denying, revoking or suspending a
23 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
24 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
25 probation by that jurisdiction.").

1 ORDER

2 IT IS HEREBY ORDERED THAT

3 1. Respondent is issued a Letter of Reprimand.

4 2. Respondent is placed on Probation that shall run concurrently with the CMB
5 Order¹ with the following terms and conditions:

6 a. CMB Order/Quarterly Updates

7 Respondent shall remain compliant with the CMB Order. Those terms and
8 conditions are set forth in Exhibit 1 and incorporated herein be this reference. In order to
9 ensure that Respondent is compliant with the CMB Order, Respondent shall submit
10 quarterly updates to the Board. The quarterly updates must, at a minimum, include the
11 following information: 1) the location of his current medical practice; 2) his intentions to
12 practice medicine in Arizona; and 3) his compliance efforts and status under the CMB
13 Order.

14 b. Practicing Medicine in Arizona

15 At least 30 days before Respondent plans to practice medicine in Arizona, he
16 shall notify the Board of his intention to do so. Prior to commencing practice in Arizona,
17 Respondent, or the setting in which he is providing services, shall employ a female
18 chaperone. The female chaperone must be present at all times and in all settings where
19 Respondent examines or treats female patients. The settings include, but are not limited
20 to, office, hospital, and clinic. The female chaperone's view must be unencumbered and
21 she must be an Arizona licensed healthcare provider (i.e. registered nurse, licensed
22 practical nurse or physician assistant). The female chaperone may not be a
23 representative or relative who accompanied the patient. Respondent shall instruct the
24

25 ¹ Respondent is not eligible to be released from probation in Arizona until September 26, 2020.

1 female chaperone to document her presence by signing, dating, and legibly printing her
2 name on each patient's chart at the time of the examination. Respondent shall instruct the
3 female chaperone to immediately report any inappropriate behavior to Respondent and the
4 Board.

5 c. Chart Reviews

6 Commencing 90 days after Respondent resumes practicing medicine in
7 Arizona, the Board shall conduct quarterly chart reviews. The purpose of the chart reviews
8 is to determine if Respondent is compliant with the practice restriction requirements of
9 probation. Based upon the chart reviews, the Board retains jurisdiction to take additional
10 disciplinary or remedial action.

11 d. Obey All Laws

12 Respondent shall obey all state, federal and local laws, all rules governing
13 the performance of health care tasks in Arizona, and remain in full compliance with any
14 court order criminal probation, payments and other orders.

15 e. Tolling

16 In the event Respondent should leave Arizona to reside or perform health
17 care tasks outside the State or for any reason should Respondent stop performing health
18 care tasks in Arizona, Respondent shall notify the Executive Director in writing within ten
19 days of departure and return or the dates of non-performance within Arizona. Non-
20 performance is defined as any period of time exceeding thirty days during which
21 Respondent is not engaging in the performance of health care tasks. Periods of temporary
22 or permanent residence or performance of health care tasks outside Arizona or of non-
23 performance of health care tasks within Arizona, will not apply to the reduction of the
24 probationary period.
25

1 f. Termination of Probation

2 Prior to the termination of probation, Respondent must submit a written
3 request to the Board for release from the terms of this Consent Agreement. Respondent's
4 request must be in writing and submitted at least 30 days prior to the date he would like
5 the matter to appear before the Board. In doing so, Respondent must provide the Board
6 with evidence establishing that he has successfully satisfied all of the terms and
7 conditions of this Consent Agreement. Such evidence shall include successfully
8 compliance and termination of the CMB Order. The Board has the sole discretion to
9 determine whether all of the terms and conditions of this Consent Agreement have been
10 met and whether Respondent has adequately demonstrated that he has addressed all of
11 the issues identified in it. At that time, the Board shall determine whether it is appropriate
12 to release Respondent from this Consent Agreement or take any other action that is
13 consistent with its statutory and regulatory authority.

14 DATED AND EFFECTIVE this 8th day of August, 2014.

15 ARIZONA MEDICAL BOARD

16
17 By C. Lloyd Vest, II
18 C. Lloyd Vest, II
19 Executive Director

20 CONSENT TO ENTRY OF ORDER

21 1. Respondent has read and understands this Consent Agreement and the
22 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
23 acknowledges he has the right to consult with legal counsel regarding this matter.

24 2. Respondent acknowledges and agrees that this Order is entered into freely
25 and voluntarily and that no promise was made or coercion used to induce such entry.

1 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
2 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
3 this Order in its entirety as issued by the Board, and waives any other cause of action
4 related thereto or arising from said Order.

5 4. The Order is not effective until approved by the Board and signed by its
6 Executive Director.

7 5. All admissions made by Respondent are solely for final disposition of this
8 matter and any subsequent related administrative proceedings or civil litigation involving
9 the Board and Respondent. Therefore, said admissions by Respondent are not intended
10 or made for any other use, such as in the context of another state or federal government
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
12 any other state or federal court.

13 6. Upon signing this agreement, and returning this document (or a copy thereof)
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 7. This Order is a public record that will be publicly disseminated as a formal
19 disciplinary action of the Board and will be reported to the National Practitioner's Data
20 Bank and on the Board's web site as a disciplinary action.

21 8. If any part of the Order is later declared void or otherwise unenforceable, the
22 remainder of the Order in its entirety shall remain in force and effect.

23 9. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 10. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter") and 32-1451.

5
6  . DATED: 9 July 14
7 GERALD L. SCHNEIDER, M.D.

8 EXECUTED COPY of the foregoing mailed
9 this 8th day of August, 2014 to:

10 Gerald L. Schneider, M.D.
11 Address of Record

12 ORIGINAL of the foregoing filed
13 this 8th day of August, 2014 with:

14 Arizona Medical Board
15 9545 E. Doubletree Ranch Road
16 Scottsdale, AZ 85258

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18 Arizona Medical Board Staff
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